

## ENVIRONMENTAL PROTECTION AGENCY

### Tentative Approval and Solicitation of Request for a Public Hearing for Public Water System Supervision Program Revision for Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Notice 2015-06

**SUMMARY:** Notice is hereby given that the Commonwealth of Puerto Rico is revising its approved Public Water System Supervision Program to adopt EPA's National Primary Drinking Water Regulations for one major rule. The EPA has determined that this revision is no less stringent than the corresponding Federal regulations. Therefore, the EPA intends to approve this program revision. All interested parties may request a public hearing.

**DATES:** A request for a public hearing must be submitted to the Regional Administrator at the address shown below by March 23, 2015. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on her own motion, this determination shall become final and effective March 23, 2015. More information on requesting a public hearing can be found in the SUPPLEMENTARY INFORMATION section of this document.

**ADDRESSES:** Requests for Public Hearing shall be addressed to:

Regional Administrator,  
U.S. Environmental Protection Agency - Region 2,  
290 Broadway,  
New York, New York 10007-1866.

All documents relating to this determination are available for inspection between the hours of 9:00 am and 4:30 pm, Monday through Friday, at the following offices:

Puerto Rico Department of Health  
PO Box 70184  
San Juan, Puerto Rico 00936-8184

U.S. Environmental Protection Agency - Region 2,  
24th Floor Drinking Water Ground Water Protection Section,  
290 Broadway,  
New York, New York 10007-1866

**FOR FURTHER INFORMATION CONTACT:** Michael J. Lowy, Drinking Water Ground Water Protection Section, U.S. Environmental Protection Agency - Region 2, (212) 637-3830.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the United States Environmental Protection Agency (EPA) has determined to approve an application by the Commonwealth of Puerto Rico Department of Health to revise its Public Water Supply Supervision Primacy Program to incorporate a regulation no less stringent than the EPA's National Primary Drinking Water Regulations (NPDWR) for National Primary Drinking Water Regulation: Revisions to the Total Coliform Rule, Final Rule, promulgated by EPA February 13, 2013 (78 FR 10269).

The application demonstrates that Puerto Rico has adopted drinking water regulations which satisfy the NPDWRs for the above. The USEPA has determined that Puerto Rico's regulations are no less stringent than the corresponding Federal Regulations and that Puerto Rico continues to meet all requirements for primary enforcement responsibility as specified in 40 CFR 142.10.

**Authority:** (Section 1413 of the Safe Drinking Water Act, as amended, 40 U.S.C. 300g-2, and 40 CFR 142.10, 142.12(d) and 142.13).

This determination to approve Puerto Rico's primacy program revision application is made pursuant to 40 CFR 142.12(d)(3). It shall become final and effective unless (1) a timely and appropriate request for a public hearing is received or (2) the Regional Administrator elects to hold a public hearing on her own motion. Any interested person, other than Federal Agencies, may request a public hearing.

If a substantial request for a public hearing is made within the requested thirty day time frame, a public hearing will be held and a notice will be given in the Federal Register and a newspaper of general circulation. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

Any request for a public hearing shall include the following information: (1) name, address and telephone number of the individual, organization or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement on information that the requesting person intends to submit at such hearing; (3) the signature of the individual making the requests or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated:  
1/28/15

Judith A. Enck,  
Regional Administrator,  
Region 2

2/23/15



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PUERTO RICO

**OGPE**

Oficina de Gerencia de Permisos

## AVISO VISTA PÚBLICA

CONSULTA DE UBICACIÓN PARA UN PROYECTO DE COMERCIAL  
EN REPARTO VILLA ALBERTA, EN EL BARRIO COTO NORTE DEL MUNICIPIO DE MANATÍ  
VIA EXCEPCIÓN

Para conocimiento del público en general y de conformidad con las disposiciones del Artículo 8.6 de la Ley Núm. 161 del 1 de diciembre del 2009, según enmendada, conocida como "Ley para la Reforma del Proceso de Permisos de Puerto Rico", el Reglamento Conjunto de Permisos Para Obras de Construcción y Usos de Terrenos, vigente al 29 de noviembre de 2010, conocido como Reglamento Conjunto; la Ley Núm. 151 del 10 de diciembre de 2013; y cualquier otra disposición de ley aplicable, se informa que la Oficina de Gerencia de Permisos (OGPE) celebrará vista pública, según se dispone a continuación:

<b>CONSULTA NÚMERO</b>	:	2014-289389-CUB-52427
<b>PETICIONARIO</b>	:	ING. JOSÉ E. MARTÍNEZ ZAYAS (LIC. 8143)
<b>PROponentes</b>	:	DR. PEDRO JOSÉ YAPOR NUÑEZ

<b>FECHA</b>	<b>HORA</b>
12 DE MARZO DE 2015	10:30AM

**LUGAR**  
**OFICINA DE GERENCIA DE PERMISOS (OGPE),**  
**EDIFICIO GALERÍA DEL NORTE, 2ND. PISO,**  
**CARRERA PR-2, KM. 87.0, HATILLO, P.R.**

Se contempla el desarrollo de un proyecto comercial - médico, que consiste en la remodelación de una estructura existente a utilizarse como Oficina Médica. El Dr. Pedro J. Yapor Núñez dedicado a la práctica de la medicina con especialidad en trastornos y desórdenes del sueño le alquiló a "Inmobiliaria San Miguel Inc." (Dueño Sr. Juan A. San Miguel Santos), la propiedad, objeto del permiso, con el fin de ubicar su Oficina Médica. El predio de terreno propuesto de 1,000.00 metros cuadrados, con dos (2) estructuras enclavadas, una en madera a ser demolida, y otra en hormigón y bloques a ser remodelada. La ubicación del desarrollo es en la Uro. Reparto Villa Alberta, Barrio Coto Norte, Sector Sabana Seca de Manatí, Puerto Rico.

El predio de terreno, objeto de consulta, tiene una cabida aproximada de 1,000.00, y está localizado en la Carretera Estatal Número PR-149, en el Barrio Coto Norte, Sector Sabana Seca del Término municipal de Manatí, Puerto Rico, y delimitados por el Norte, con el Solar Uno; por el Sur, con franja de Uso Público; por el Este, con Solar 6; y por el Oeste, con franja a dedicarse a Uso Público. Dichos terrenos están comprendidos dentro de un Distrito "Bosque" (BQ), según el Mapa de Calificación de Suelos del Municipio de Manatí, así como, tiene sobre puesto la "Zonificación Especial para La Cuenca Hidrográfica de la Laguna Tortuguero" y "Área de Planificación Especial de la Zona Cárstica" (APE-ZC), vigentes, por lo que la parte proponente deberá discutir la "Variación en Uso" y/o "Excepción" solicitada.

La parte proponente deberá discutir la base legal bajo la cual presentó su propuesta y justificar la misma conforme a las disposiciones del Reglamento Conjunto de Permisos para Obras de Construcción y Usos de Terrenos (Reglamento Conjunto), vigente, en particular, pero sin limitarse a la Regla 19.25 "Bosque" (BQ), Capítulo 36 "Zonificación Especial para Cuenca hidrográfica de la Laguna Tortuguero", Capítulo 24 "Provisión de Espacios para Estacionamientos"; Capítulo 26 "Excepciones" del Reglamento Conjunto, antes citado, Tópico 4 "Distritos Sobrepuentes en el Área de Planificación Especial Zona Cárstica" del Reglamento del Área de Planificación Especial del Carso (PRAPEC). Así mismo, deberá discutir su propuesta a tenor con el documento de "Objetivos y Políticas Públicas del Plan de Usos de Terrenos de Puerto Rico", vigente, y a la luz de cualquier otra disposición reglamentaria, legal o de política pública que pudiera ser aplicable al caso.

En la exposición del caso, la parte proponente informará sobre los accesos vehiculares al proyecto; el impacto del tránsito que pueda generar el proyecto sobre las vías existentes en el sector; los servicios públicos existentes y a proveerse, tales como: alcantarillado sanitario y pluvial, abasto de agua potable, energía eléctrica, método de disposición de los desperdicios sólidos, área a servir el proyecto, empleos a crearse en fases de construcción y operación; provisión de estacionamientos, disponibilidad de terrenos apropiados para uso comercial (Oficina Médica), así como cualquier otro tema que estime pertinente al caso.

Los planos de localización y el proyecto de desarrollo estarán expuestos al público desde el 25 de febrero de 2015, en la Oficina de Gerencia de Permisos (OGPE), Oficina Regional de Hatillo, y en la Casa Alcaldía del Municipio de Manatí. Podrá someter sus comentarios a: [notificaciones@ogpe.pr.gov](mailto:notificaciones@ogpe.pr.gov) o a la siguiente dirección postal, PO BOX 41179 San Juan, PR 00940-1179.

Se invita a los vecinos colindantes del proyecto, a los propietarios de terrenos que radican dentro de los límites territoriales circundantes, a las agencias gubernamentales y al público en general a comparecer y participar en dicha vista. Es mandatorio que el dueño de la propiedad o su representante autorizado asistan a la vista pública, de no asistir se procederá con el archivo de la solicitud. Se advierte que las partes podrán comparecer asistidas de abogados, pero no estarán obligadas a estar así representadas, incluyendo los casos de corporaciones y sociedades.

El Oficial Examinador que presida la vista no podrá suspenderla una vez señalada, salvo que se solicite por escrito con expresión de las causas sometidas, con no menos de cinco (5) días de antelación a la fecha de celebración de la vista, expresando las razones que justifican la suspensión o posposición acompañada por un giro postal o cheque de gerente de \$50.00 a nombre de Secretario de Hacienda. La petición de suspensión o transferencia deberá ser radicada ante la OGPE. El peticionario notificará copia de la solicitud a las otras partes e interventores en el procedimiento dentro de los cinco (5) días señalados. La Regla 7.7 del Reglamento Conjunto dispone que: "Si una parte debidamente citada no comparece a la conferencia con antelación a la vista, a la vista o a cualquier otra etapa durante el procedimiento adjudicativo, el funcionario que presida la misma podrá declararla en rebeldía, multarla y continuar el procedimiento sin su participación, pero notificará por escrito a dicha parte su determinación, los fundamentos para la misma y el recurso de revisión disponible." La Regla 7.13, inciso b, dispone que el oficial examinador podrá imponer una multa de \$500.00 a toda persona que observe una conducta irrespetuosa durante la vista.

En San Juan, Puerto Rico, hoy 18 de febrero de 2015.



Arq. Alberto Lastra Power  
Director Ejecutivo  
AVISO PAGADO POR EL PETICIONARIO



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The documents posted on this site are XML renditions of published Federal Register documents. Each document posted on the site includes a link to the corresponding official PDF file on FDsys.gov. This prototype edition of the daily Federal Register on FederalRegister.gov will remain an unofficial informational resource until the Administrative Committee of the Federal Register (ACFR) issues a regulation granting it official legal status. For complete information about, and access to, our official publications and services, go to the [OFR.gov website](http://OFR.gov).

The OFR/GPO partnership is committed to presenting accurate and reliable regulatory information on FederalRegister.gov with the objective of establishing the XML-based Federal Register as an ACFR-sanctioned publication in the future. While every effort has been made to ensure that the material on FederalRegister.gov is accurately displayed, consistent with the official SGML-based PDF version on FDsys.gov, those relying on it for legal research should verify their results against an official edition of the Federal Register. Until the ACFR grants it official status, the XML rendition of the daily Federal Register on FederalRegister.gov does not provide legal notice to the public or judicial notice to the courts.

## **The Federal Register**

### **The Daily Journal of the United States Government**

Notice

## **Tentative Approval and Solicitation of Request for a Public Hearing for Public Water System Supervision Program Revision for Puerto Rico**

A Notice by the [Environmental Protection Agency](http://www.epa.gov) on [02/19/2015](http://www.federalregister.gov/articles/2015/02/19/2015-03477)

### **Action**

Notice.

### **Summary**

Notice is hereby given that the Commonwealth of Puerto Rico is revising its approved Public Water System Supervision Program to adopt the Environmental Protection Agency's (EPA)'s National Primary Drinking Water Regulations for one major rule. The EPA has determined that this revision is no less stringent than the corresponding Federal regulations. Therefore, the EPA intends to approve this program revision. All interested parties may request a public hearing.

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### DATES:

A request for a public hearing must be submitted to the Regional Administrator at the address shown below March 23, 2015. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on her own motion, this determination shall become final and effective March 23, 2015. More information on requesting a public hearing can be found in the SUPPLEMENTARY INFORMATION section of this document.

### ADDRESSES:

Requests for Public Hearing shall be addressed to: Regional Administrator, U.S. Environmental Protection Agency—Region 2, 290 Broadway, New York, New York 10007-1866.

All documents relating to this determination are available for inspection between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays, at the following offices:

Puerto Rico Department of Health, PO Box 70184, San Juan, Puerto Rico 00936-8184

U.S. Environmental Protection Agency—Region 2, 24th Floor Drinking Water Ground Water Protection Section, 290 Broadway, New York, New York 10007-1866

### FOR FURTHER INFORMATION CONTACT:

Michael J. Lowy, Drinking Water Ground Water Protection Section, U.S. Environmental Protection Agency—Region 2, (212) 637-3830.

### SUPPLEMENTARY INFORMATION:

Notice is hereby given that the United States Environmental Protection Agency (EPA) has determined to approve an application by the Commonwealth of Puerto Rico Department of Health to revise its Public Water Supply Supervision Primacy Program to incorporate a regulation no less stringent than the EPA's National Primary Drinking Water Regulations (NPDWR) for National



Primary Drinking Water Regulation: Revisions to the Total Coliform Rule, Final Rule, promulgated by EPA February 13, 2013 (78 FR 10269).

The application demonstrates that Puerto Rico has adopted drinking water regulations which satisfy the NPDWRs for the above. The USEPA has determined that Puerto Rico's regulations are no less stringent than the corresponding Federal Regulations and that Puerto Rico continues to meet all requirements for primary enforcement responsibility as specified in 40 CFR 142.10.

## Authority:

(Section 1413 of the Safe Drinking Water Act, as amended, 40 U.S.C. 300g-2, and 40 CFR 142.10, 142.12(d) and 142.13).

This determination to approve Puerto Rico's primacy program revision application is made pursuant to 40 CFR 142.12(d)(3). It shall become final and effective unless (1) a timely and appropriate request for a public hearing is received or (2) the Regional Administrator elects to hold a public hearing on her own motion. Any interested person, other than Federal Agencies, may request a public hearing.

If a substantial request for a public hearing is made within the requested thirty day time frame, a public hearing will be held and a notice will be given in the Federal Register and a newspaper of general circulation. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

Any request for a public hearing shall include the following information: (1) Name, address and telephone number of the individual, organization or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement on information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the requests or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: January 28, 2015.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2015-03477 Filed 2-18-15; 8:45 am]

BILLING CODE 6560-50-P



## **Lowy, Michael**

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**From:** Lowy, Michael  
**Sent:** Tuesday, June 17, 2014 12:18 PM  
**To:** Hayden, Melva  
**Cc:** Feinmark, Phyllis; Anderson, Arlene  
**Subject:** RE: RTRC PRImacy Package

OK, thanks, I'll let them know the AG is OK as is.

Michael J. Lowy  
Environmental Scientist  
Drinking Water and Ground Water Protection Section  
Drinking Water Municipal Infrastructure Branch  
USEPA Region 2  
NY, NY 10007  
212.637.3830

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**From:** Hayden, Melva  
**Sent:** Tuesday, June 17, 2014 12:16 PM  
**To:** Lowy, Michael  
**Cc:** Feinmark, Phyllis  
**Subject:** RE: RTRC PRImacy Package

Hi Mike,

Yes, I think we did initially misread the AG's statement PRDOH provided for its RTRC package. Given our own guidance, I believe we can approve the AG Statement. Thanks you as always for the opportunity to consult.

FYI, I will be out of the office for the rest of this week on annual leave, back on next Tues.

Best,

Melva

Melva J. Hayden, Esq.  
Assistant Regional Counsel  
Region 2 Title VI Coordinator  
Office of Regional Counsel  
U.S. Environmental Protection Agency - Region 2  
290 Broadway - 16th Floor  
New York, NY 10007-1866  
212.637.3230 - EPA Office (Tues., Wed., Thurs.)  
212. 637.3202 - EPA Facsimile  
718.712.5674 - Alternate Work Location Number (Mon., Fri.)

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**From:** Lowy, Michael  
**Sent:** Tuesday, June 17, 2014 9:17 AM

**To:** Hayden, Melva  
**Cc:** Feinmark, Phyllis; Anderson, Arlene  
**Subject:** RE: RTCR PRImacy Package

Melva:

Can you give me a call when you have a chance...or, maybe I can just assume that the AG Cert DOH provided is OK? If so, that's fine, and I can let them know that. Like I said, I just may have read too much into it.

Michael J. Lowy  
Environmental Scientist  
Drinking Water and Ground Water Protection Section  
Drinking Water Municipal Infrastructure Branch  
USEPA Region 2  
NY, NY 10007  
212.637.3830

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**From:** Hayden, Melva  
**Sent:** Friday, June 13, 2014 3:27 PM  
**To:** Lowy, Michael  
**Cc:** Feinmark, Phyllis; Anderson, Arlene  
**Subject:** RE: RTCR PRImacy Package

Hi Mike,

Thanks for clarifying the issue. Let's talk on Tuesday, my last day in the office. After we kick it around, I'll run it by Phyllis. It may be that PRDOH does not need to submit a revised AG's statement with the RTCR package.

Have a good weekend.

Best,

Melva

Melva J. Hayden, Esq.  
Assistant Regional Counsel  
Region 2 Title VI Coordinator  
Office of Regional Counsel  
U.S. EPA - Region 2  
290 Broadway - 16th Floor  
New York, NY 10007-1866  
212-637-3230 (EPA Office)  
212-637-3202 (EPA Fax)  
718-712-5674 (Alternate Work Location Number)

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**From:** Lowy, Michael  
**Sent:** Friday, June 13, 2014 7:04 PM  
**To:** Hayden, Melva

**Cc:** Feinmark, Phyllis; Anderson, Arlene

**Subject:** RE: RTCR PRIMacy Package

Melva:

Just to try to clarify what I may or may not be getting right...their AG Cert, from 5/23/14 does indeed mention the RTCR in two locations, the "Re" section which gives the topic of the document...

## RE: Puerto Rico's Primacy Program Revised Total Coliform Rule

and the first paragraph, where it mentions that DOH is required to submit an AG Cert per the law in order to get primacy...

The Puerto Rico Department of  
program revision application and  
Statement certifying that the Rev  
Act (SDWA) were duly adopted

I have attached the letter as well... I guess I am trying to find out if this is sufficient to be considered as an acceptable AG Cert. In the below reference, DOH copies an extract from the EPA's RTCR Guidance Manual, and she highlights the fact that... If a state has submitted this certification with a previous revision package, then the state should indicate the date of submittal and the Attorney General need only certify that the status of the audit privilege and/or immunity laws has not changed since the prior submittal.

When we say "this certification", are we referring to the audit privilege/immunity laws, or the whole AG certification? To me, it just seems that they don't come out and specifically say what they should, but maybe I am over-reading this.

I guess, bottom line, is the AG letter conform with the below guidance?

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**From:** Hayden, Melva

**Sent:** Friday, June 13, 2014 2:36 PM

**To:** Lowy, Michael

**Cc:** Feinmark, Phyllis

**Subject:** RE: RTCR PRIMacy Package

Hi Mike,

I'm working from my AWL today. I do not have your office number. Give me a call at my EPA number which has been transferred to my AWL number, 212.637.3230.

Melva

Melva J. Hayden, Esq.  
Assistant Regional Counsel  
Region 2 Title VI Coordinator  
Office of Regional Counsel  
U.S. EPA - Region 2  
290 Broadway - 16th Floor  
New York, NY 10007-1866  
212-637-3230 (EPA Office)  
212-637-3202 (EPA Fax)  
718-712-5674 (Alternate Work Location Number)

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**From:** Lowy, Michael  
**Sent:** Friday, June 13, 2014 5:49 PM  
**To:** Hayden, Melva  
**Subject:** FW: RTCR Primacy Package

Melva:

When you have a chance, can we discuss?

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**From:** Zuleima Rodríguez Hernández [<mailto:zurodriguez@salud.pr.gov>]  
**Sent:** Friday, June 13, 2014 1:46 PM  
**To:** Lowy, Michael  
**Subject:** RE: RTCR Primacy Package

Mike:

The PRDOH AGS letter establishes in the heading and in the first paragraph that this AG is regarding the RTCR. Nonetheless, we are referring to the AGS of 2008 since it was the last one submitted. The RTCR implementation guidance reads as follows:

**“ 7.3.6 Attorney General’s Statement of Enforceability [40 CFR 142.12(c)(2)]**

The complete and final primacy revision application must include an Attorney General’s Statement certifying that the state regulations were duly adopted and are enforceable (unless EPA has waived this requirement by letter to the state). The Attorney General’s Statement should also certify that the state does not have any audit privilege and/or immunity laws or, if it has such laws, that these laws do not prevent the state from meeting the requirements of the SDWA. If a state has submitted this certification with a previous revision package, then the state should indicate the date of submittal and the Attorney General need only certify that the status of the audit privilege and/or immunity laws has not changed since the prior submittal.

An example of an Attorney General’s Statement is presented in Example 7-2. A copy of this letter is also included in Appendix C for readers to pull out and use.”



I have highlighted in yellow what we did: mention that we have submitted a previous AGS and just certify that our status has not changed and that the regulations are enforceable. If you can appreciate, there is also a letter example to prepare the AGS, which we copied/used almost exactly.

Please let me know if you need further clarification.

Thank you,

**Zuleima Rodríguez, PE**

Puerto Rico Department of Health  
Drinking Water Program  
PO Box 70184  
San Juan PR 00936-8184  
T. 787-777-0150  
F. 787-777-0154  
[zurodriguez@salud.gov.pr](mailto:zurodriguez@salud.gov.pr)

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**From:** Lowy, Michael [<mailto:Lowy.Michael@epa.gov>]  
**Sent:** Friday, June 13, 2014 11:38 AM  
**To:** Zuleima Rodríguez Hernández  
**Cc:** Anderson, Arlene  
**Subject:** RE: RTCR PRImacy Package

Zuleima:

Just wanted to indicate that my understanding, as indicated below, was confirmed by our Office of regional Counsel, that the AG Certification, should indicate in the text of the letter, which rule(s) it is concerned with. So looks like we need the AG Cert (the letter dated 5/23/14) to specifically mention the RTCR.

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**From:** Lowy, Michael  
**Sent:** Wednesday, June 11, 2014 4:36 PM  
**To:** 'Zuleima Rodríguez Hernández'  
**Subject:** RE: RTCR PRImacy Package

Zuleima:

One comment on the AG Statement...you refer to the AG Statement from 11/06/08 (the one for the GWR) in your current (5/23/14) AG Statement for the RTCR...I believe that the AG Statement for the latest rule...the RTCR...should specifically reference the RTCR in the body of the Statement. Do you know why it didn't?

Thanks

Michael J. Lowy  
Environmental Scientist  
Drinking Water and Ground Water Protection Section  
Drinking Water Municipal Infrastructure Branch  
USEPA Region 2  
NY, NY 10007  
212.637.3830

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**From:** Zuleima Rodríguez Hernández [<mailto:zurodriguez@salud.pr.gov>]  
**Sent:** Wednesday, June 11, 2014 10:37 AM  
**To:** Lowy, Michael  
**Subject:** RE: RTCR Primacy Package

Mike:

The original signed AG Statement was sent directly to the Regional Administrator. Attached you may find a copy for your records although it was sent to you also via regular mail. I'm planning to submit the complete final RTCR primacy package to the Region 2 mailbox on or before the compliance RTCR deadline of August 2014. To whom do you think I should also submit a copy of the package or any of the documents?

Thank you,

*Zuleima Rodríguez, PE*

Puerto Rico Department of Health  
Drinking Water Program  
PO Box 70184  
San Juan PR 00936-8184  
T. 787-777-0150  
F. 787-777-0154  
[zurodriguez@salud.gov.pr](mailto:zurodriguez@salud.gov.pr)

---

**From:** Lowy, Michael [<mailto:Lowy.Michael@epa.gov>]  
**Sent:** Monday, April 07, 2014 2:36 PM  
**To:** Zuleima Rodríguez Hernández  
**Subject:** RE: RTCR Primacy Package

Zuleima:

It may be that the AG Statement may need to be mailed separately with original signature, etc.

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**From:** Zuleima Rodríguez Hernández [<mailto:zurodriguez@salud.pr.gov>]  
**Sent:** Monday, April 07, 2014 2:23 PM  
**To:** Lowy, Michael  
**Subject:** RE: RTCR Primacy Package

Ok. Thanks.

*Zuleima Rodríguez, PE*

Puerto Rico Department of Health  
Public Water Supply Supervision Program  
PO Box 70184  
San Juan PR 00936-8184  
T. 787-777-0150  
F. 787-777-0154  
[zurodriguez@salud.gov.pr](mailto:zurodriguez@salud.gov.pr)

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**From:** Lowy, Michael [<mailto:Lowy.Michael@epa.gov>]  
**Sent:** Monday, April 07, 2014 2:08 PM  
**To:** Zuleima Rodríguez Hernández  
**Cc:** Anderson, Arlene  
**Subject:** RE: RTCR Primacy Package

Zuleima:

In the past, we have accepted entire pkgs via email, I don't see why not now.

Thanks

Michael J. Lowy  
Environmental Scientist  
Drinking Water and Ground Water Protection Section  
Drinking Water Municipal Infrastructure Branch  
USEPA Region 2  
NY, NY 10007  
212.637.3830

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**From:** Zuleima Rodríguez Hernández [<mailto:zurodriguez@salud.pr.gov>]  
**Sent:** Monday, April 07, 2014 1:35 PM  
**To:** Lowy, Michael  
**Subject:** RTCR PRimacy Package

Hi Mike:

I was wondering if the primacy package may be submitted via email (region 2 mailbox) or if it will be done in hard copy.

Thank you,

***Zuleima Rodríguez, PE***

Puerto Rico Department of Health  
Public Water Supply Supervision Program  
PO Box 70184  
San Juan PR 00936-8184  
T. 787-777-0150  
F. 787-777-0154  
[zurodriguez@salud.gov.pr](mailto:zurodriguez@salud.gov.pr)





ESTADO LIBRE ASOCIADO DE  
PUERTO RICO  
Departamento de Salud

12-14-001-4383-2A

August 8, 2014

Mrs. Judith Enck  
Regional Administrator  
US Environmental Protection Agency  
Region II  
290 Broadway  
New York, New York 10007-1866

**Re: PRDOH RTCR Primacy Revision Application Package**

Dear Mrs. Enck:

Enclosed is the Puerto Rico Department of Health's (PRDOH) Primacy Revision Application Package for the approval of program revisions to adopt new or revised EPA regulations pursuant Section 1413 of the Safe Drinking Water Act Amendments and 40 CFR Part 142 Subpart B.

This package covers the Revised Total Coliform Rule (RTCR). The PRDOH needs full implementation and enforcement authority to proceed with the actions and provisions established in this rule. To this effect, PRDOH requests approval of the complete and final program revision. The Attorney General Statement submitted (May 23, 2014) certifies that the laws and regulations adopted were duly implemented and are enforceable.

If you have any questions, please do not hesitate to contact Eng. Javier O. Torres, Drinking Water Program Director at (787) 777-0150 or by email at [javiertorres@salud.gov.pr](mailto:javiertorres@salud.gov.pr).

Sincerely,

Ana C. Rius Armendáriz, MD  
Secretary of Health

Enclosure: RTCR Primacy Application Package

CC.: Javier O. Torres, PRDOH  
Eng. José Font, EPA-CEPD  
Michael Lowy, EPA-NY

2014 SEP -2 AM 11:44  
EPA REGION 2  
CORRESPONDENCE  
CONTROL OFFICE

PO BOX 70184 San Juan, PR 00936-8184  
Tel. 787-777-0150 Fax. 787-777-0154  
[www.salud.gov.pr](http://www.salud.gov.pr)



Estado Libre Asociado de Puerto Rico  
Departamento de Salud





## Detail



R2-14-001-2376-RA

F41

## Citizen Information

[Generate Control Slip](#)

Citizen/Originator: 1). Torres, Javier O. - P.O. Box 70184, San Juan, PR 00936-8184

Constituent:

Committee:

Sub-Committee:

## Control Information

[View Correspondence](#)

Control Number: R2-14-001-2376-RA

Alternate Number:

Status: For Your Information ▼ \*

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Jun 17 2014

Received Date: Jul 16 2014

Addressee: R2-Regional Administrator - Region 2

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

File Code: 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Signature:

(+)

CC:

R2-OPM-GAMB - Grants and Audits Management Branch [Search CC](#)

Signature Date:

Date

Primary Subject:

PRDOH RTRC Primacy Revision Application  
Package  
Puerto Rico-Text of the State's  
Regulations

Secondary Subject:

Instructions:

For Your Information -- No action  
required

Instruction Notes:

General Notes:

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Assignee	Office	Assigned	Due Date	Completed	Instructions
No records found.						

## Supporting Information

Supporting  
Author:

N/A

Supporting Assignments:

Assigner	Assignee	Office	Assigned Date
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Danla Boykin	R2-CWD	R2-CWD	07/16/2014
Traci Neftleberg	R2-CWD-DWMIB	R2-CWD-DWMIB	07/25/2014

## History

Action By	Office	Date	Action
Danla Boykin	R2	07/16/2014	Forward control to R2-CWD
Traci Neftleberg	R2-CWD	07/25/2014	Forwarded control to R2-CWD-DWMIB

## Comments

Commentator	Date	Comments
		No records found.

\*: Required field

(+): Lookup field, press space bar for complete list

[ OK ] [ Cancel ]



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**PUERTO RICO**  
Departamento de Salud

June 17, 2014

Mrs. Judith Enck  
Regional Administrator  
US Environmental Protection Agency  
Region II  
290 Broadway  
New York, New York 10007-1866

**Re: PRDOH RTCR Primacy Revision Application Package  
Puerto Rico-Text of the State's Regulations**

Dear Mrs. Enck:

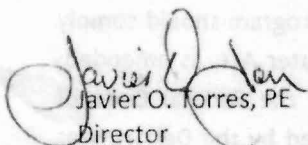
Enclosed is the Puerto Rico's "Text of the State's Regulations" which is part of the PRDOH's RTCR Primacy Revision Application Package. This text, an excerpt from Regulation No. 7655, provides the appropriate citations to incorporate the RTCR by reference.

The PRDOH enacted Regulation No. 7655 (also known as Regulation No. 135), "General Regulation for Environmental Health", on December 29, 2008. Regulation No. 7655, Article II: Drinking Water, Section 1.00: Drinking Public Water Systems provides for the adoption, by reference, of the amendments that may be approved to Sections 141 to 143 of Title 40 of the Code of Federal Regulations (CFR) and the Safe Drinking Water Act (SDWA).

Regulation No. 7655 is available through the PR Department of State's website: <http://app.estado.gobierno.pr/ReglamentosOnLine/Reglamentos/7655.pdf>. Since the online document is in Spanish, the attached document provides a true and exact translation in English of Regulation No. 7655, Article II: Drinking Water, Section 1.00: Drinking Public Water Systems.

If you have any questions, please do not hesitate to contact me at (787) 777-0150 or by email at [javiertorres@salud.gov.pr](mailto:javiertorres@salud.gov.pr).

Sincerely,

  
Javier O. Torres, PE  
Director

Enclosure: English Translation-Regulation No. 7655

REGION 2  
CORRESPONDENCE  
CONTROL OFFICE

2014 JUL 16 PM 1:20



**PRDOH RTCR Primacy Revision Application Package**  
**Puerto Rico-Text of the State's Regulations**

English translation of Regulation No. 7655, Article II: Drinking Water, Section 1.00: Drinking Public Water Systems:

ARTICLE II: DRINKING WATER

Section 1.00 DRINKING PUBLIC WATER SYSTEMS

1.01 Requisites on Primary Standards

1. All existing water systems and all those which will be established after the date of approval of this Regulation, should comply with the requisites on primary contaminants.
2. The drinking water primary standards in Puerto Rico should be regulated in accordance with Title 40, Part 141 of the Federal Code of Regulations, as amended.

1.02 Implementation of the Regulations on Primary Standards

1. The implementation of the standards on drinking water primary contaminants in Puerto Rico will be subject to Title 40, Part 142 of the "CFR", as amended.

1.03 Requisites on Secondary Standards

1. The drinking water secondary contaminants will be regulated in accordance with Title 40, Part 143 of the "CFR", as amended, or with any other requirement of the Department.

1.04 Revolving Fund

1. Prior to commencement of operation, the Secretary is authorized to require the drinking water systems, existing systems or new systems commencing to operate on or after October 1, 1999, be these communal or non-communal non-transient, to comply with Sections 1419 and 1420 of the Federal Safe Drinking Water Act, as amended; as well as with the provisions of Title 40 of the Federal Code of Regulations applicable to the primacy of the Drinking Water Program of the Department; and with federal regulations of the Revolving Fund Program and its Sub-programs. The Secretary is also authorized to order discontinuance of the operation of the drinking water systems which do not comply with these requisites.
2. The water systems to be built with funds under the Revolving Fund Program should comply with Sections 1452, 1419 and 1420 of the Federal Safe Drinking Water Act, as amended; also they should comply with the federal guides or provisions of the Federal Code of Regulations, as applicable; as well as with the procedures established by the Department under said program.

1.05 Variations and Exemptions.

1. The Department may grant variations and exemptions from specified provisions in accordance with Title 40, Part 141.4 of the "CFR" as provided by the Federal Safe Drinking Water Act of December 16, 1974, as amended.

1.06 Additional Requisites.

1. The provisions of Section 1.01 and 1.02 of this Article should in no way be construed as a limitation of the authority of the Secretary to establish additional requisites and/or more stringent standards to those provided on Federal Safe Drinking Water Act of 1974, as it may be amended, and Federal Code of Regulations, as it may be amended, with the purpose of safeguarding public health.



DEPARTAMENTO DE SALUD  
PROGRAMA DE SALUD AMBIENTAL  
DIVISIÓN DE AGUA POTABLE  
PO BOX 70184  
SAN JUAN PR 00936-8184

SAN JUAN PR 009

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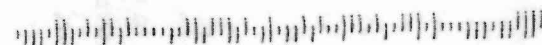


Has

07/08/2014  
Mailed From: 00921  
US POSTAGE

MRS JUDITH ENCK  
REGIONAL ADMINISTRATOR  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY,  
NEW YORK NY 10007-1866

10007+1866







DEPARTAMENTO DE SALUD  
OFICINA ASESORES LEGALES

*5/23/14*

Commonwealth of Puerto Rico  
DEPARTMENT OF JUSTICE  
PO Box 9020192, San Juan, PR 00902-0192

CÉSAR R. MIRANDA  
ATTORNEY GENERAL

TEL (787) 721-7700  
FAX (787) 724-4770

May 23, 2014

**URGENT AND CONFIDENTIAL**

By fax to (212)637-3891 and by Certified Mail

Mrs. Judith Enck  
Regional Administrator  
US Environmental Protection Agency  
Region II  
290 Broadway  
New York, New York 1007-1866

*Do we need the AG-Cert  
to specifically indicate  
the RTCR?*

RE: Puerto Rico's Primacy Program Revision Application  
Revised Total Coliform Rule (RTCR)

Inquiry No. 14-180-A

Dear Mrs. Enck:

The Puerto Rico Department of Health (PRDOH) is required to submit, as part of its primacy program revision application and pursuant to 40 CFR 142.12 (c)(2), an Attorney General's Statement certifying that the Revised Total Coliform Rule Requirements of Safe Drinking Water Act (SDWA) were duly adopted and are enforceable.

The Commonwealth of Puerto Rico has submitted the required certification with a previous revision package. Attached you will find the certification letter dated November 6, 2008. It is important to mention that on December 29, 2008, the PRDOH enacted Regulation No. 7655 (also known as Regulation No. 135), "General Regulation for Environmental Health" (Regulation No. 7655), and repealed Regulation No. 6090. Regulation No. 7655, Article II, Section 1.00, also provides for the adoption, by reference, of the amendments that may be approved to sections 141 to 143 of Title 40 of the Code of Federal Regulations (CFR) and the SDWA, in particular, Article II: Drinking Water, Section 1.00: Public Water Systems.

PM0141.06 JUN '14 RCN: A POTABLE

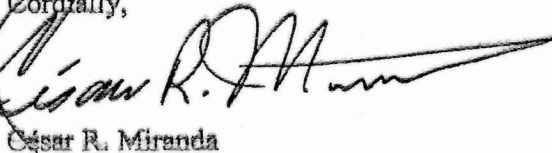
Inquiry No. 14-180-A  
Page No. 2

I hereby certify, pursuant to my authority as Attorney General of the Commonwealth of Puerto Rico, and in accordance with the Safe Drinking Water Act, as amended, and 40 CFR 142.12(c)(1)(iii), that the laws of the Commonwealth of Puerto Rico to carry out the program set forth in the Primacy Revision Application submitted by the Puerto Rico Department of Health have been duly adopted and are enforceable.

The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this statement is approved and signed and should be fully effective by the time the program is approved.

I further certify that the Commonwealth of Puerto Rico has not enacted any environmental audit privilege and/or immunity laws.

Cordially,



Cesar R. Miranda

Enclosures

c: Dr. Ana C. Rius, Secretary of Health  
Eng. Javier O. Torres, PRDOH  
Eng. José Font, EPA-CEPD  
Michael Lowy, EPA-NY  
PO Box 70184  
San Juan, Puerto Rico 00936-8184



COMMONWEALTH OF PUERTO RICO  
*Department of Justice*

ROBERTO J. SÁNCHEZ RAMOS  
SECRETARY OF JUSTICE

November 6, 2008

URGENT AND CONFIDENTIAL

By fax to (212) 637-3891 and by Certified Mail

Mr. Allan Steinberg  
Regional Administrator  
US Environmental Protection Agency  
Region II  
290 Broadway  
New York, New York 1007-1866

RE: PR's Department of Health "Public Water System Supervision  
Primacy Program Revision (Ground Water Rule)"

Consulta Núm. 08-108-B

Dear Mr. Steinberg:

The Environmental Protection Agency, Region II ("EPA"), is currently reviewing the Puerto Rico Department of Health's Public Water System Supervision primacy submittal date May 8, 2007 for the Ground Water Rule requirements and revisions required by the 1996 Safe Drinking Water Act, as amended. In order to complete the review process, EPA requested legal certification about the Commonwealth of Puerto Rico's legal authority to adopt and enforce such regulations and about the Commonwealth's status on environmental audit privilege and/or immunity law.

I hereby certify, pursuant to my authority as Secretary of Justice of the Commonwealth of Puerto Rico's and in accordance with the 1996 Safe Drinking Water Act, as amended, and 40 C.F.R. 142.12(c)(1)(iii), that in my opinion the laws of the Commonwealth of Puerto Rico to carry out the program set forth in the

COPY FOR YOUR  
INFORMATION

Steinberg  
Kurlan  
Servidio  
cc: Labasta  
Finazzo  
Schaaf

11/24/08  
Bruce

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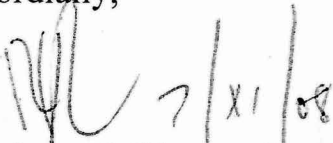


Primacy Revision Application submitted by the Puerto Rico Department of Health have been duly adopted and are enforceable.

The specific authorities provided are contained in statues or regulations that are lawfully adopted at the time this statement is approved and signed and should be fully effective by the time the program is approved.

Furthermore, I certify that the Commonwealth of Puerto Rico has not enacted any environmental audit privilege and/or immunity laws.

Cordially,

Handwritten signature of Roberto J. Sánchez Ramos and the date 7/11/08.

Roberto J. Sánchez Ramos







COPY FOR YOUR  
INFORMATION

Q-14-001-0432-RA  
DAMI B

Commonwealth of Puerto Rico  
DEPARTMENT OF JUSTICE  
PO Box 9020192, San Juan, PR 00902-0192

CÉSAR R. MIRANDA  
ATTORNEY GENERAL

TEL (787) 721-7700  
FAX (787) 724-4770

May 23, 2014

**URGENT AND CONFIDENTIAL**

By fax to (212)637-3891 and by Certified Mail

Mrs. Judith Enck  
Regional Administrator  
US Environmental Protection Agency  
Region II  
290 Broadway  
New York, New York 1007-1866

**RE: Puerto Rico's Primacy Program Revision Application  
Revised Total Coliform Rule (RTCR)**

Inquiry No. 14-180-A

Dear Mrs. Enck:

The Puerto Rico Department of Health (PRDOH) is required to submit, as part of its primacy program revision application and pursuant to 40 CFR 142.12 (c)(2), an Attorney General's Statement certifying that the Revised Total Coliform Rule Requirements of Safe Drinking Water Act (SDWA) were duly adopted and are enforceable.

The Commonwealth of Puerto Rico has submitted the required certification with a previous revision package. Attached you will find the certification letter dated November 6, 2008. It is important to mention that on December 29, 2008, the PRDOH enacted Regulation No. 7655 (also known as Regulation No. 135), "General Regulation for Environmental Health" (Regulation No. 7655), and repealed Regulation No. 6090. Regulation No. 7655, Article II, Section 1.00, also provides for the adoption, by reference, of the amendments that may be approved to sections 141 to 143 of Title 40 of the Code of Federal Regulations (CFR) and the SDWA, in particular, Article II: Drinking Water, Section 1.00: Public Water Systems.



I hereby certify, pursuant to my authority as Attorney General of the Commonwealth of Puerto Rico, and in accordance with the Safe Drinking Water Act, as amended, and 40 CFR 142.12(c)(1)(iii), that the laws of the Commonwealth of Puerto Rico to carry out the program set forth in the Primacy Revision Application submitted by the Puerto Rico Department of Health have been duly adopted and are enforceable.

The specific authorities provided are contained in statutes or regulations that are lawfully adopted at the time this statement is approved and signed and should be fully effective by the time the program is approved.

I further certify that the Commonwealth of Puerto Rico has not enacted any environmental audit privilege and/or immunity laws.

Cordially,



César R. Miranda

Enclosures

c: Dr. Ana C. Rius, Secretary of Health  
Eng. Javier O. Torres, PRDOH  
Eng. José Font, EPA-CEPD  
Michael Lowy, EPA-NY  
PO Box 70184  
San Juan, Puerto Rico 00936-8184

EPA REGION 2  
CORRESPONDENCE  
CONTROL OFFICE  
2014 JUN -5 AM 9:33



**Lowy, Michael**

---

**From:** Zuleima Rodríguez Hernández <zurodriguez@salud.pr.gov>  
**Sent:** Monday, August 04, 2014 2:53 PM  
**To:** Lowy, Michael  
**Subject:** PRDOH Primacy Application Package  
**Attachments:** 1 RTCR Cover Page.pdf; 2 Table of Contents RTCR.pdf; 3 Format RTCR.pdf; 4 RTCR Primacy Revision Checklist.pdf; 5 Text of of the State's Regulations.pdf

Hi Mike,

I will be sending all that I have until now regarding the package in the next following emails. The only thing that is left to complete the package is finalizing the development of:

- Appendix C: introductory page for each assessment formats, I will attach the draft of both formats for your review. They are both in Spanish but is mostly a copy of the guidance documents as I commented you earlier.
- Appendix D, F and G: which will be the same information provided on the special primacy requirements but with an introductory page.

If you need further assistance, please let me know.

Thank you,

***Zuleima Rodríguez, PE***

Puerto Rico Department of Health  
Drinking Water Program  
PO Box 70184  
San Juan PR 00936-8184  
T. 787-777-0150  
F. 787-777-0154  
[zurodriguez@salud.gov.pr](mailto:zurodriguez@salud.gov.pr)



**Lowy, Michael**

---

**From:** Zuleima Rodríguez Hernández <zurodriguez@salud.pr.gov>  
**Sent:** Monday, August 04, 2014 2:56 PM  
**To:** Lowy, Michael  
**Subject:** PRDOH Primacy Application Package email #2  
**Attachments:** 7 RTCR Reporting and Record Keeping.pdf; 9 PRDOH-AGS 2014 RTCR.pdf; 10 Appendix Format.pdf; 11 App 1-A Brochure RTCR Español.pdf; 13 App B RTCR Sample System Notification Letter-Español.pdf

Mike:

#8 is the special primacy requirements sent in an earlier email.

Saludos,

***Zuleima Rodríguez, PE***

Puerto Rico Department of Health  
Drinking Water Program  
PO Box 70184  
San Juan PR 00936-8184  
T. 787-777-0150  
F. 787-777-0154  
[zurodriguez@salud.gov.pr](mailto:zurodriguez@salud.gov.pr)





**Lowy, Michael**

---

**From:** Zuleima Rodríguez Hernández <zurodriguez@salud.pr.gov>  
**Sent:** Monday, August 04, 2014 3:04 PM  
**To:** Lowy, Michael  
**Subject:** PRDOH Primacy Application Package email #3  
**Attachments:** 12 App 1-B RTCR QRG Español.pdf; 17 App E Results Evaluation Protocol Final June 2012.pdf; Draft Level 1 Assessment Format.docx; Draft Level 2 Assessment Format.docx

Mike:

- #14 and #15 (Appendix C) are the assessment forms for Level 1 and 2 (attached)
- #16 (App D): List of Sanitary defects (not sent)
- #18 (APP F): Level 2 Assessor criteria (not sent)
- #19 (APP G): Seasonal system start-up procedure (not sent)

As explained earlier, App C, D, F, and G will be the same information provided on the special primacy requirements but with an introductory page which I still need to develop.

Thank you,

***Zuleima Rodríguez, PE***

Puerto Rico Department of Health  
Drinking Water Program  
PO Box 70184  
San Juan PR 00936-8184  
T. 787-777-0150  
F. 787-777-0154  
[zurodriguez@salud.gov.pr](mailto:zurodriguez@salud.gov.pr)



Departamento de Salud



August 2014

Primacy Revision Application Package  
Puerto Rico Department of Health  
Drinking Water Program

RTCR

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PUERTO RICO  
Departamento de Salud





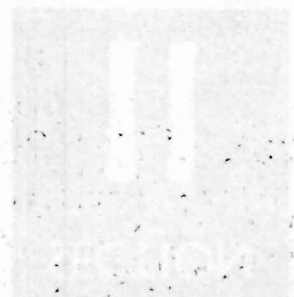
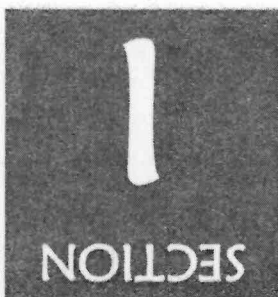
# Table of Contents

## RTCR

Section I:	State Primacy Revision Checklist
Section II:	Text of the State's Regulation
Section III:	Primacy Revision Crosswalk
Section IV:	State Reporting and Record Keeping Checklist
Section V:	Special Primacy Requirements
Section VI:	Attorney General's Statement of Enforceability
Section VII:	Appendices
	A. Guidance Documents (Spanish sample)
	B. System Notification Letter (Spanish sample)
	C. Assessment Forms
	• Level 1 Assessment (Spanish document)
	• Level 2 Assessment (Spanish document)
	D. List of Sanitary Defects
	E. Protocol for Evaluation of Drinking Water Analysis Results, June 2012
	F. Proposed Minimum Criteria for Approving Level 2 Assessors
	G. Seasonal Systems Start-Up Procedure Guidelines

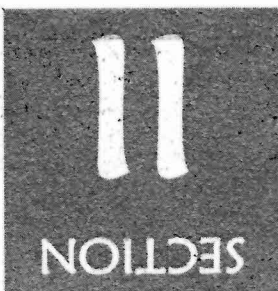


# RTCR State Privacy Revision Checklist



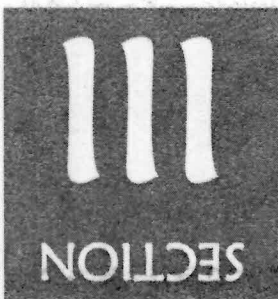
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## RTCR Text of the State's Regulations



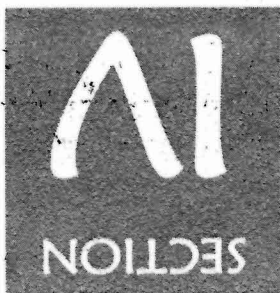


## RTCR Privacy Revision Crosswalk

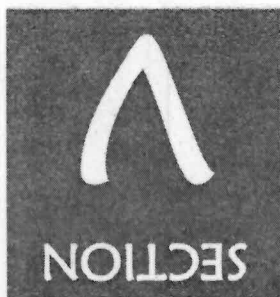


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## RTCR Reporting and Record Keeping Checklist

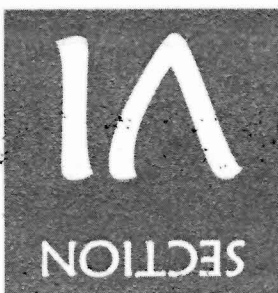


## RTCR Special Privacy Requirements



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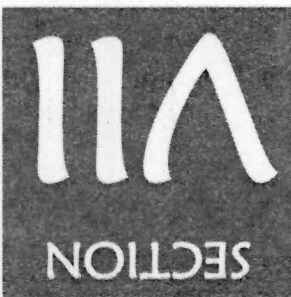
## RTCR Attorney General's Statement of Enforceability



RTCR Appendices



RTCR Appendices



1. The purpose of the project is clearly defined and understood by all stakeholders.

2. The project is managed in a transparent and accountable manner, with regular communication and reporting to all stakeholders.

3. The project is completed on time, within budget, and to the satisfaction of all stakeholders.

4. The project results are clearly defined and measurable, and are used to inform future projects.

5. The project is evaluated and reviewed, and the lessons learned are used to improve future projects.

6. The project is completed and the results are used to inform future projects.

7. The project is completed and the results are used to inform future projects.

# State Primacy Revision Checklist

## RTCR

Required Program Elements		Revision to State Program under the RTCR	EPA Findings/Comments
40 CFR 142.10	Primary Enforcement • Definition of Public Water System*	Adopted by Reference	
40 CFR 142.10(a)	Regulations No Less Stringent	Adopted by Reference	
40 CFR 142.10(b)(1)	Maintain Inventory	Adopted by Reference	
40 CFR 142.10(b)(2)	Sanitary Survey Program	Adopted by Reference	
40 CFR 142.10(b)(3)	Laboratory Certification Program	Adopted by Reference	
40 CFR 142.10(b)(4)	Laboratory Capability	Adopted by Reference	
40 CFR 142.10(b)(5)	Plan Review Program	Adopted by Reference	
40 CFR 142.10(b)(6)(i)	Authority To Apply Regulations	Adopted by Reference	
40 CFR 142.10(b)(6)(ii)	Authority To Sue In Courts Of Competent Jurisdiction	Adopted by Reference	
40 CFR 142.10(b)(6)(iii)	Right of Entry	Adopted by Reference	
40 CFR 142.10(b)(6)(iv)	Authority To Require Records	Adopted by Reference	
40 CFR 142.10(b)(6)(v)	Authority To Require PN	Adopted by Reference	
40 CFR 142.10(b)(6)(vi)	Authority To Assess Civil And Criminal Penalties	Adopted by Reference	
40 CFR 142.10(b)(6)(vii)	Authority to require CWSs to provide CCRs	Adopted by Reference	
40 CFR 142.10(c)	Maintenance of Records	Adopted by Reference	
40 CFR 142.10(d)	Variance/Exemption Conditions (if applicable)**	Adopted by Reference	
40 CFR 142.10(e)	Emergency Plans	Adopted by Reference	
40 CFR 142.10(f)	Administrative Penalty Authority*	Adopted by Reference	
40 CFR 142.10(g)	Electronic Reporting Regulations***	Provision not applicable****	

\* Requirement from the 1996 SDWA Amendments. Regulations published in the April 28, 1998 *Federal Register*.

\*\* Regulations published in the August 14, 1998 *Federal Register*.

\*\*\* Regulations published in the October 13, 2005 *Federal Register*.

\*\*\*\* Reported compliance information from the PWSs to PRDOH is submitted by hard copy only. Reported information from the PRDOH to EPA is reported via SDWIS Fed Rep data management system.







ESTADO LIBRE ASOCIADO DE  
**PUERTO RICO**  
Departamento de Salud

June 17, 2014

Mrs. Judith Enck  
Regional Administrator  
US Environmental Protection Agency  
Region II  
290 Broadway  
New York, New York 10007-1866

**Re: PRDOH RTRC Primacy Revision Application Package  
Puerto Rico-Text of the State's Regulations**

Dear Mrs. Enck:

Enclosed is the Puerto Rico's "Text of the State's Regulations" which is part of the PRDOH's RTRC Primacy Revision Application Package. This text, an excerpt from Regulation No. 7655, provides the appropriate citations to incorporate the RTRC by reference.

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Regulation No. 7655 is available through the PR Department of State's website: <http://app.estado.gobierno.pr/ReglamentosOnLine/Reglamentos/7655.pdf>. Since the online document is in Spanish, the attached document provides a true and exact translation in English of Regulation No. 7655, Article II: Drinking Water, Section 1.00: Drinking Public Water Systems.

If you have any questions, please do not hesitate to contact me at (787) 777-0150 or by email at [javiertorres@salud.gov.pr](mailto:javiertorres@salud.gov.pr).

Sincerely,

  
Javier O. Torres, PE  
Director

Enclosure: English Translation-Regulation No. 7655

**División de Agua Potable**

PO Box 70184 San Juan, Puerto Rico 00936-8184  
Tel. 787-777-0150 / Fax 787-777-0154





**PRDOH RTCR Primacy Revision Application Package**  
Puerto Rico-Text of the State's Regulations

English translation of Regulation No. 7655, Article II: Drinking Water, Section 1.00: Drinking Public Water Systems:

**ARTICLE II: DRINKING WATER**

**Section 1.00 DRINKING PUBLIC WATER SYSTEMS**

**1.01 Requisites on Primary Standards**

1. All existing water systems and all those which will be established after the date of approval of this Regulation, should comply with the requisites on primary contaminants.
2. The drinking water primary standards in Puerto Rico should be regulated in accordance with Title 40, Part 141 of the Federal Code of Regulations, as amended.

**1.02 Implementation of the Regulations on Primary Standards**

1. The implementation of the standards on drinking water primary contaminants in Puerto Rico will be subject to Title 40, Part 142 of the "CFR", as amended.

**1.03 Requisites on Secondary Standards**

1. The drinking water secondary contaminants will be regulated in accordance with Title 40, Part 143 of the "CFR", as amended, or with any other requirement of the Department.

**1.04 Revolving Fund**

1. Prior to commencement of operation, the Secretary is authorized to require the drinking water systems, existing systems or new systems commencing to operate on or after October 1, 1999, be these communal or non-communal non-transient, to comply with Sections 1419 and 1420 of the Federal Safe Drinking Water Act, as amended; as well as with the provisions of Title 40 of the Federal Code of Regulations applicable to the primacy of the Drinking Water Program of the Department; and with federal regulations of the Revolving Fund Program and its Sub-programs. The Secretary is also authorized to order discontinuance of the operation of the drinking water systems which do not comply with these requisites.
2. The water systems to be built with funds under the Revolving Fund Program should comply with Sections 1452, 1419 and 1420 of the Federal Safe Drinking Water Act, as amended; also they should comply with the federal guides or provisions of the Federal Code of Regulations, as applicable; as well as with the procedures established by the Department under said program.

1.05 Variations and Exemptions.

1. The Department may grant variations and exemptions from specified provisions in accordance with Title 40, Part 141.4 of the "CFR" as provided by the Federal Safe Drinking Water Act of December 16, 1974, as amended.

1.06 Additional Requisites.

1. The provisions of Section 1.01 and 1.02 of this Article should in no way be construed as a limitation of the authority of the Secretary to establish additional requisites and/or more stringent standards to those provided on Federal Safe Drinking Water Act of 1974, as it may be amended, and Federal Code of Regulations, as it may be amended, with the purpose of safeguarding public health.



# State Reporting and Recordkeeping Checklist

## RTCR

Part 142--National Primary Drinking Water Regulations Implementation		
Subpart B – Primary Enforcement Responsibility		
40 CFR 142.14 Records Kept by States		
Summary of Federal Requirement	Federal Citation	Explanation of State Policies and Procedures
The analytical results, set forth in a form that makes possible comparison with the limits specified in §§ 141.63, 141.71, and 141.72 of this chapter and with the limits specified in subpart Y of this chapter.	40 CFR 142.14(a)(1)(iii)	Adopted by Reference
Records of each of the following decisions made pursuant to the provisions of subpart Y of part 141 must be made in writing and retained by the State.	40 CFR 142.14(a)(10)	Adopted by Reference
Records of the following decisions or activities must be retained for five years.	40 CFR 142.14(a)(10)(i)	Adopted by Reference
Records of any case-by-case decision to waive the 24-hour time limit for collecting repeat samples after a TC+ routine sample, or to extend the 24-hour limit for collection of samples following invalidation, or for an unfiltered Subpart H system to collect a total coliform sample following a turbidity measurement exceeding 1 NTU. These records must be retained for five years.	40 CFR 142.14(a)(10)(i)(A)	Adopted by Reference
Records of any decision to allow a PWS to waive the requirement for three routine samples the month following a TC+ sample. The record of the waiver decision must contain all the items listed in those sections. The record of the waiver decision must contain all the items listed in 40 CFR 141.854(j) and 40 CFR 141.855(f). These records must be retained for five years.	40 CFR 142.14(a)(10)(i)(B)	Adopted by Reference
Records of any decision to invalidate a TC+ sample. The record of the decision to invalidate must contain all the items listed in 40 CFR 141.853(c)(1). These records must be retained for five years.	40 CFR 142.14(a)(10)(i)(C)	Adopted by Reference
Records of any completed and approved 40 CFR 141, Subpart Y (RTCR) assessments, including reports from the PWS that corrective action has been completed. These records must be retained for five years.	40 CFR 142.14(a)(10)(i)(D)	Adopted by Reference
Records of any decision to reduce the total coliform monitoring frequency for a NCWS using only ground water and serving 1,000 or fewer people to less than once per quarter, including what the reduced frequency is. A copy of the reduced monitoring frequency must be provided to the NCWS. These records must be retained in such a manner so that each system's current status may be determined.	40 CFR 142.14(a)(10)(ii)(A)	Adopted by Reference

40 CFR 142.14 Records Kept by States (Cont.)		
Summary of Federal Requirement	Federal Citation	Explanation of State Policies and Procedures
Records of any decision to reduce the total coliform monitoring frequency for a CWS serving 1,000 or fewer people to less than once per month, including what the reduced monitoring frequency is. A copy of the reduced monitoring frequency must be provided to the CWS. These records must be retained in such a manner so that each system's current status may be determined.	40 CFR 142.14(a)(10)(ii)(B)	Adopted by Reference
Records of any decision to reduce the total coliform monitoring frequency for a NCWS using only ground water and serving more than 1,000 people during any month the PWS serves 1,000 or fewer people. A copy of the reduced monitoring frequency must be provided to the NCWS. These records must be retained in such a manner so that each system's current status may be determined.	40 CFR 142.14(a)(10)(ii)(C)	Adopted by Reference
Records of any decision to forgo <i>E. coli</i> testing of a TC+ sample if that PWS assumes that the TC+ sample is EC+. These records must be retained in such a manner so that each system's current status may be determined.	40 CFR 142.14(a)(10)(ii)(D)	Adopted by Reference
40 CFR 142.15 Records by States		
Summary of Federal Requirement	Federal Citation	Explanation of State Policies and Procedures
A list of PWSs that the state is allowing to monitor less frequently than once per month for CWSs, or less frequently than once per quarter for NCWSs, including the applicable date of the reduced monitoring requirement of each PWS.	40 CFR 142.15(c)(3)	Adopted by Reference

Guidance Documents (Spanish sample)

## APPENDIX A

